

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

DARRYL A. SELAND,

Debtor

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Chapter 13

Case No. 19-14630 (AMC)

**STIPULATION AND ORDER RESOLVING THE
MOTION OF FRANKLIN MINT FEDERAL CREDIT UNION
FOR AN ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY
UNDER 11 U.S.C. § 362(d) FOR THE LIMITED PURPOSE
OF SEEKING REINSTATEMENT OF AN ERRANTLY SATISFIED MORTGAGE
AND A WAIVER OF THE FOURTEEN DAY STAY OF SUCH ORDER**

It is hereby stipulated by and between Franklin Mint Federal Credit Union (“FMFCU”) and debtor Darryl A. Seland (the “Debtor”) that the Motion of Franklin Mint Federal Credit Union for an Order Granting Relief from the Automatic Stay Under 11 U.S.C. § 362(d) for the Limited Purpose of Seeking Reinstatement of an Errantly Satisfied Mortgage and a Waiver of the Fourteen Day Stay of Such Order (the “Motion”) shall be resolved as follows (the “Stipulation”):

BACKGROUND

1. On or about May 26, 2017, FMFCU made certain loans, advances, and extensions of credit to the Debtor in an amount not to exceed \$39,000.000 pursuant to the terms of that certain Note for Loans Secured by Real Estate.

2. In consideration for the Loan, the Debtor gave a mortgage in favor of FMFCU on certain real property known as and located at 567 Summit House, West Chester, PA 19382. The Mortgage was recorded in the Chester County Recorder of Deeds on June 16, 2017 in Book 9560, Page 1627 at Instrument No. 11549106.¹

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

3. On July 24, 2019, the Debtor filed a voluntary petition pursuant to Chapter 13 of Title 11 of the United States Code. As of the Petition Date, FMFCU held, among other things, a claim secured by the Mortgage on the Property in an amount no less than \$37,096.53.

4. On or about September 16, 2022, FMFCU learned that the Mortgage had been inadvertently satisfied upon the filing of a Mortgage Satisfaction Piece with the Recorder of Deeds one day earlier on September 15, 2022 in Book 10947, Page 931 at Instrument No. 11945686.

5. The parties wish to settle the Motion in the form of this Stipulation to be entered as an order of the Court.

AGREEMENT

6. The Background set forth above is incorporated herein by reference as if set forth fully herein.

7. FMFCU, along with any successors, assigns, and/or authorized representatives, is hereby granted relief from the automatic stay for the sole and limited purpose of pursuing the reinstatement and/or re-recording of the lien of the mortgage given by the Debtor in favor of FMFCU dated May 26, 2017 on certain real property known as and located at 567 Summit House, West Chester, PA 19382, which Mortgage was originally recorded in the Chester County Recorder of Deeds on June 16, 2017 in Book 9560, Page 1627 at Instrument No. 11549106, by any lawful means necessary.

8. The Debtor (a) consents to the relief sought by the Motion; (b) agrees to accept service of a summons and complaint issued and filed, respectively, for the purpose of carrying out the terms of this Stipulation; and (c) agrees not to oppose any action commenced by FMFCU for the purposes of carrying out the terms of this Stipulation.

9. This order shall survive the conversion, dismissal, or termination of this bankruptcy case, and shall be binding upon the Debtor and any trustee presently acting or subsequently appointed to this or any subsequent bankruptcy case filed by the Debtor.

10. This order is not stayed pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3) and is effective immediately.

KLEHR | HARRISON | HARVEY |
BRANZBURG LLP

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NO OBJECTION, WITHOUT PREJUDICE
TO ANY RIGHTS OR REMEDIES:

/s/Ann E. Swartz, Esquire
Office of the Chapter 13 Standing Trustee

SO ORDERED:

HON. ASHELY M. CHAN
United States Bankruptcy Judge